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Journal - Office of Legislative Counsel
Monday - 5 April 1976

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12. [] LIAISON Took a call from Linda Barbarotta, in the office of Representative Samuel Stratton (D., N. Y.), who requested a copy of the Agency's Annual Report to Congress on the Freedom of Information Act. After obtaining a copy from Information Privacy Staff, I forwarded it to her.

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13. [] LEGISLATION Called John Childers, Minority Counsel, Senate Government Operations Committee, and told him that the Federal Election Campaign Act containing the amendment introduced by Senator James Allen (D., Ala.) on financial disclosure would be going to conference soon. He said he would call some people on the Senate Rules Committee and let them know that the Government Operations Committee would be marking up S. 495 soon, which has a similar provision. Childers said he saw little problem in inserting language into S. 495 which would take care of Agency interests. I told Childers I would send him some material on this problem.

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✓ 14. [] LEGISLATION Called Hilda Schreiber, OMB, and told her that I would send over an advance copy of our report on enrolled bill H. R. 8617.

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15. (Confidential - LLM) LIAISON Bill Schneider, Legislative Assistant to Senator James Buckley (R., N. Y.), called concerning two matters. First, [] is interested in providing information to the Agency, and second, information on the People's Republic of China steel making capacity being built or expanded along the coastline. Regarding the latter, Schneider would prefer that the information be unclassified. [] OCI, is handling. Regarding the former, Schneider said he would obtain information on the identity of the individual so that we could make some checks prior to arranging a meeting.

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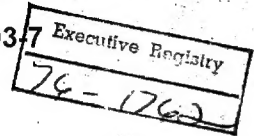
16. [] BRIEFING Talked further with Dr. Harland Strauss, House Republican Conference staff, about arrangements for the briefing tomorrow on Cuban presence in Africa. The briefing will be held in Room 2226 Rayburn House Office Building and someone will be there to permit the technical sweep at 0830.

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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505



5 APR 1976

Mr. James M. Frey
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

This is in response to your request for our views and recommendations on enrolled bill H.R. 8617, "To restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper solicitations, and for other purposes."

Enrolled bill H.R. 8617 would permit most Federal employees to participate in partisan political activity; however, it would permit employees of the Central Intelligence Agency, the Justice Department, and the Internal Revenue Service to engage in political activities only when the agency head determines that their activities would not adversely affect public confidence or the integrity of the Government. The Congress could disapprove determinations of any agency head.

It is recommended that the President veto H.R. 8617. While the Agency favors restrictions on the partisan political activities of Federal employees, it is believed that the selective application of such restrictions to three agencies is arbitrary. For example, the political activities of Federal employees in other Intelligence Community components with responsibilities similar to those of the Central Intelligence Agency are not restricted. In addition, the proposed legislation would impose on the agency head the burden of determining under a set of vague and inherently arbitrary standards which employees may engage in political activity. This would invite contention and litigation. Finally, by authorizing Congress to overturn an agency head's determination, the bill raises the question of the propriety of legislative veto of administrative decisions in the Executive branch.

For the foregoing reasons, the Central Intelligence Agency favors retaining existing law, which is more certain, clear and equitable than the proposed arrangement.

Sincerely,

/s/ George Bush

George Bush
Director



Subject: DCI letter to James M. Frey, OMB, on enrolled bill H.R. 8617

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76-1762

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Legislative Counsel
7D49 HQ

EXTENSION

NO.

DATE

5 April 1976

STAT

TO: (Officer designation, room number, and building)

DATE

OFFICER'S
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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

Director

RECEIVED

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Attached for your signature is a report on enrolled bill H.R. 8617, which in effect repeals the Hatch Act prohibitions on political activity by Federal employees. Agency employees could engage in partisan political activity if you determine that their actions would not adversely affect public confidence. The President has stated that he intends to veto this bill, and the Office of Management and Budget is attempting to maintain a united front of all the Government agencies. While we could probably live with the bill (it was the consensus at the morning meeting that all Agency employees should be covered), we believe that the reasons for veto stated in the report are valid. Reports on enrolled bills must be signed by Presidential appointee and forwarded to OMB within 48 hours.

George L. Cary
Legislative Counsel

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